

and, as applicable to the operation, part 785 of this chapter.

§ 777.17 Permit fees.

An application for a surface coal mining and reclamation permit shall be accompanied by a fee determined by the regulatory authority. The fee may be less than, but shall not exceed, the actual or anticipated cost of reviewing, administering, and enforcing the permit. The regulatory authority may develop procedures to allow the fee to be paid over the term of the permit.

**PART 778—PERMIT APPLICATIONS—
MINIMUM REQUIREMENTS FOR
LEGAL, FINANCIAL, COMPLIANCE,
AND RELATED INFORMATION**

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AUTHORITY: 30 U.S.C. 1201 *et seq.*

SOURCE: 48 FR 44399, Sept. 28, 1983, unless otherwise noted.

§ 778.1 Scope and purpose.

This part establishes the minimum requirements for the permit applications for surface coal mining and reclamation operations under a State or Federal program. This part covers minimum legal, financial, and compliance requirements and general information that must be contained in permit applications. This part applies to any person who submits an application to a regulatory authority for a permit to conduct surface coal mining and reclamation operations.

§ 778.10 Information collection.

(a) In accordance with 44 U.S.C. 3501 *et seq.*, the Office of Management and Budget (OMB) has approved the information collection requirements of this part. Section 507(b) of SMCRA provides that persons applying for a permit to

conduct surface coal mining operations must submit to the regulatory authority certain information regarding the applicant and affiliated entities, their compliance status and history, property ownership and other property rights, right of entry, liability insurance, the status of unsuitability claims, and proof of publication of a newspaper notice. The regulatory authority uses this information to insure that all legal, financial and compliance requirements are satisfied prior to issuance of a permit. Persons seeking to conduct surface coal mining operations must respond to obtain a benefit. A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB clearance number for this part is 1029-0034.

(b) OSM estimates that the public reporting and recordkeeping burden for this part averages 48 hours per response, including time spent reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of these information collection and recordkeeping requirements, including suggestions for reducing the burden, to the Office of Surface Mining Reclamation and Enforcement, Information Collection Clearance Officer, 1951 Constitution Avenue, NW., Washington, DC 20240; and the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Interior Desk Officer, 725 17th Street, NW., Washington, DC 20503. Please refer to OMB Control Number 1029-0034 in any correspondence.

[62 FR 19459, Apr. 21, 1997]

§ 778.13 Identification of interests.

An application must contain the following information, except that the submission of a social security number is voluntary:

(a) A statement as to whether the applicant is a corporation, partnership, single proprietorship, association, or other business entity.

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(b) The name, address, telephone number, and, as applicable, social security number and employer identification number of the:

- (1) Applicant;
- (2) Applicant's resident agent; and
- (3) Person who will pay the abandoned mine land reclamation fee.

(c) For each person who owns or controls the applicant under the definition of *Owned or controlled* and *owns or controls* in § 773.5 of this chapter, as applicable:

- (1) The person's name, address, social security number, and employer identification number;
- (2) The person's ownership or control relationship to the applicant, including percentage of ownership and location in the organizational structure; and
- (3) The title of the person's position, the date that the person assumed the position, and, when submitted under § 773.17(h) of this chapter, the date of departure from the position.

(d) For the applicant and each partner or principal shareholder of the applicant, each name and identifying number, including employer identification number, Federal or State permit number, and MSHA number with date of issuance, under which the person owns or controls, or previously owned or controlled, a surface coal mining and reclamation operation in the United States within the 5 years preceding the date of the application.

(e) The application number or other identifier of, and the regulatory authority for, any other pending surface coal mining operation permit application filed by the applicant in any State in the United States.

(f) For any surface coal mining operation owned or controlled by the applicant under the definition of *Owned or controlled* and *owns or controls* in § 773.5 of this chapter, the operation's:

- (1) Name, address, identifying numbers, including employer identification number, Federal or State permit number and MSHA number, the date of issuance of the MSHA number, and the regulatory authority; and
- (2) Ownership or control relationship to the applicant, including percentage of ownership and location in organizational structure.

(g) The name and address of each legal or equitable owner of record of the surface and mineral property to be mined, each holder of record of any leasehold interest in the property to be mined, and any purchaser of record under a real estate contract for the property to be mined.

(h) The name and address of each owner of record of all property (surface and subsurface) contiguous to any part of the proposed permit area.

(i) The Mine Safety and Health Administration (MSHA) numbers for all mine-associated structures that require MSHA approval.

(j) A statement of all lands, interest in lands, options, or pending bids on interests held or made by the applicant for lands contiguous to the area described in the permit application. If requested by the applicant, any information required by this paragraph which is not on public file pursuant to State law must be held in confidence by the regulatory authority, as provided under § 773.13(d)(3)(ii) of this chapter.

(k) After an applicant is notified that his or her application is approved, but before the permit is issued, the applicant must, as applicable, update, correct or indicate that no change has occurred in the information previously submitted under paragraphs (a) through (f) of this section.

(l) The applicant must submit the information required by this section and by § 778.14 of this part in any format that OSM prescribes.

[62 FR 19460, Apr. 21, 1997]

§ 778.14 Violation information.

Each application must contain the following information:

(a) A statement of whether the applicant or any subsidiary, affiliate, or persons controlled by or under common control with the applicant has:

- (1) Had a Federal or State coal mining permit suspended or revoked in the 5 years preceding the date of submission of the application; or
 - (2) Forfeited a performance bond or similar security deposited in lieu of bond.
- (b) A brief explanation of the facts involved in any such suspension, revocation, or forfeiture referred to in